

**MEDELLIN v. DRETKE**

Brief of *Amici Curiae*  
Bar Associations and Human Rights Organizations  
In Support of Petitioner

24 January 2005

**LIST OF *AMICI CURIAE***

**Amnesty International**

Amnesty International USA is the U.S. section of Amnesty International, a Nobel Prize-winning organization with more than 1.8 million members, supporters and subscribers in over 150 countries and territories throughout the world. Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights. Amnesty International is privately funded and is independent of any political ideology or economic interest. In line with the organization's international focus, Amnesty International USA joins this brief on matters of international law.

**Association of the Bar of the City of New York**

The Association of the Bar of the City of New York ("the Association") is a professional association of more than 22,000 attorneys from nearly every state and more than 50 countries. Much of the Association's work is accomplished through approximately 170 committees. One of these is dedicated to issues related to capital punishment. This attention to the death penalty reflects the fact that the justice system can do nothing more consequential than to take a life. The Association is committed to the rule of law on the national and international landscape and to the principle that if the death penalty is applied, it must be applied in a fair and impartial manner. Thus, the

Association has long been concerned with capital punishment and its application. The Association has taken the lead in the analysis of practical and legal issues relating to the death penalty. *See, e.g.*, Committee on Capital Punishment Panel Presentation, *Capital Punishment in the Age of Terrorism*, 41 CATH. LAW. 187 (2003); Committee on Capital Punishment, *Dying Twice: Conditions On New York's Death Row*, 22 PACE L. REV. 347 (Spring 2002) (also at 56 Record Assoc. Bar N.Y. 358); Committee on Capital Punishment, *The Pataki Administration's Proposals to Expand the Death Penalty*, 55 RECORD ASSOC. BAR N.Y. 129 (2000); Committee on Civil Rights, *Legislative Modification of Habeas Corpus in Capital Cases*, 44 RECORD ASSOC. BAR N.Y. 848 (1989); Committee on Civil Rights, *The Death Penalty*, 39 RECORD ASSOC. BAR N.Y. 419 (1984).

#### **Bar Human Rights Committee of England and Wales**

The Bar Human Rights Committee of England and Wales (BHRC) is an independent group of specialist advocates and experts who work on a voluntary basis to develop law and human rights protection throughout the world. BHRC objectives are: supporting and protection of practising lawyers and judges who are threatened or oppressed in their work; upholding the rule of law and internationally recognised human rights standards; furthering interest in and knowledge of human rights and the laws relating to human rights; advising, supporting and co-operating with other organisations and individuals working for human rights; and advising the Bar Council in connection with any human rights issue. BHRC continues to work closely with Amicus assisting lawyers for justice on death row in the United States. We advise on death penalty cases and provide Amicus briefs. We are working with other NGOs and lawyers to ensure that the detainees in Guantanamo Bay will have fair trials. We addressed the European Parliament expressing our concern regarding the proposed military tribunals and the conditions of the detainees and collaborated with the Commonwealth Lawyers' Association on writing an Amicus brief for the US Supreme Court to consider whether habeas corpus is available to

foreigners on US ground.

### **Center for Justice & Accountability**

The Center for Justice & Accountability (“CJA”) is a non-profit legal advocacy center that works to prevent torture and other severe human rights abuses around the world by helping survivors hold their perpetrators accountable. CJA represents survivors and their families in actions for redress that call for the application of human rights standards under United States and customary international law.

### **Global Rights**

Global Rights is a non-profit public interest legal organization with projects in twenty-two countries that is engaged in training, technical assistance, advocacy, and litigation around the world. Founded in 1978 as the International Human Rights Law Group, Global Rights provides legal assistance and information in the field of international human rights law and maintains consultative status with the Economic and Social Council of the United Nations. Global Rights’ goals include the development and promotion of international legal norms, and its advocates work closely with individuals and organizations worldwide to expand the scope of human rights protections for men and women. Global Rights has represented individuals and organizations before national and international tribunals and has appeared as *amicus curiae* in numerous cases in the United States. See, e.g., *Rumsfeld v. Padilla*, 124 S. Ct. 2711 (2004); *Hamdi v. Rumsfeld*, 124 S. Ct. 2633 (2004); *Grutter v. Bollinger*, 123 S. Ct. 2325 (2003); and *Gratz v. Bollinger* 123 S. Ct. 2411 (2003).

### **Hispanic National Bar Association**

The Hispanic National Bar Association (HNBA) is a national non-profit association representing the interests of Hispanic American members of the legal community in the United States and Puerto Rico. Founded in 1972, HNBA now represents thousands of Hispanic Americans in the legal profession. Its primary objectives are to increase professional

opportunities for Hispanics in the legal profession and to address issues of concern to the national Hispanic community. The HNBA is a member of the National Hispanic Leadership Agenda and also holds a seat in the American Bar Association House of Delegates.

Proper application of Article 36 of the Vienna Convention is of particular interest to the HNBA, given its largely bilingual membership and its commitment to the rule of law. Its signatory representative was a participant in the Vienna Convention Discussion Group, which led to the decision of the Oregon Department of Justice to adopt new policy to improve compliance with the Convention, as noted in the letter of April 25, 2002 from the Deputy Attorney General to William Howard Taft IV, Legal Advisor in the United States Department of State.

#### **Human Rights First**

Since 1978, Human Rights First (formerly the Lawyers Committee for Human Rights) has worked in the United States and abroad to create a more secure and humane world by advancing justice, human dignity, and respect for the rule of law. It protects refugees in flight from persecution and repression and in seeking legal relief in the United States; works to ensure that domestic legal systems incorporate stronger human rights protections; helps build a stronger international system of justice and accountability for the worst human rights crimes; works with and supports human rights activists who fight for basic freedoms and peaceful change at the national level; and promotes fair economic practices through stronger safeguards for workers' rights. Human Rights First has filed numerous amicus briefs before the U.S. Supreme Court and other U.S. courts and international bodies, and believes this case presents compelling issues of justice for victims of human rights violations.

#### **Human Rights Watch**

Human Rights Watch ("HRW") is a non-profit organization established in 1978 that investigates and reports on violations of fundamental human rights in over 70 countries worldwide with the goal of securing the respect of these rights for all persons. It

is the largest international human rights organization based in the United States. By exposing and calling attention to human rights abuses committed by state and non-state actors, HRW seeks to bring international public opinion to bear upon offending governments and others and thus bring pressure on them to end abusive practices. HRW has filed amicus briefs before various bodies, including U.S. courts and international tribunals.

### **International League of Human Rights**

The International League for Human Rights has worked to keep human rights at the forefront of international affairs and to give meaning and effect to the human rights values enshrined in international human rights treaties and conventions. The League's special mission for 62 years has been defending individual human rights advocates who have risked their lives to promote the ideals of a just and civil society in their homelands.

Based in New York, with representation in Geneva and dozens of affiliates and partners around the world, the League is a non-governmental, non-profit organization now in its 62nd year. The League has special consultative status at the United Nations, the Council of Europe, and the International Labor Organization, and also contributes to the Africa Commission and the Organization for Security and Cooperation in Europe (OSCE). With the UN Universal Declaration of Human Rights as its platform, the League raises human rights issues and cases before the UN and other intergovernmental regional organizations in partnership with our colleagues abroad, helping to amplify their voices and coordinate strategies for effective human rights protection.

### **Jacob Blaustein Institute for the Advancement of Human Rights**

The Jacob Blaustein Institute for the Advancement of Human Rights (JBI), founded in 1971, aims to promote the effective implementation of treaties and conventions to protect and promote human rights. JBI engages in fact gathering, analysis, education, and advocacy with a view to narrowing the gap between the promise of the Universal Declaration of Human

Rights and other international human rights agreements and the realization of those rights in practice. JBI has joined a number of amicus briefs related to the promotion of justice for victims of human rights abuses, and this case presents important issues relevant to the fulfillment of legal obligations under international law.

### **League of United Latin American Citizens**

The League of United Latin American Citizens (“LULAC”) is the largest and oldest Hispanic civil rights organization in the United States. With over 115,000 members in virtually every state of the nation, LULAC advances the economic condition, educational attainment, political influence, health and civil rights of Hispanic Americans. For more than 75 years, LULAC’s members have sought to ensure the civil rights of Hispanics throughout the United States, and foster respect for the rule of law. We believe in the democratic principal of individual freedom and are obligated to promote, protect and assure the constitutional and statutory rights of all Hispanics, regardless of immigration status.

### **Mexican American Legal Defense and Educational Fund**

The Mexican American Legal Defense and Educational Fund (MALDEF) is a national civil rights organization established in 1968. Its principal objective is to secure, through litigation, advocacy, and education, the civil rights of Latinos living in the United States. MALDEF has litigated numerous cases in the area of immigrants’ rights since the organization’s founding. Preserving the constitutional due process rights of immigrants is a primary goal of MALDEF’s Immigrants’ Rights program.

### **Minnesota Advocates for Human Rights**

Minnesota Advocates for Human Rights (“Minnesota Advocates”) is a volunteer-based non-profit organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Minnesota Advocates conducts a broad range of innovative

programs to promote human rights in the United States and around the world, including human rights monitoring and fact finding, direct legal representation, education and training, and publications. Minnesota Advocates has produced more than 50 reports documenting human rights practices in more than 25 countries; educated more than 10,000 students and community members on human rights issues; and provided legal representation to thousands of low-income individuals. Minnesota Advocates' Death Penalty Project was organized in 1991 to recruit Minnesota attorneys to assist death row inmates with their post-conviction appeals. Minnesota Advocates' volunteers have provided *pro bono* representation to dozens of death row inmates in 10 states. In addition to working to protect the rights of capital defendants in death penalty states, the project provides education on death penalty issues and actively advocates for the elimination of the death penalty in the United States. Minnesota Advocates has previously submitted *amicus curiae* briefs in numerous cases, including to the Inter-American Court of Human Rights concerning the request of the government of Mexico for an advisory opinion related to a Mexican national on death row in the United States.

#### **National Association of Criminal Defense Lawyers**

The National Association of Criminal Defense Lawyers ("NACDL") is a non-profit corporation with more than 11,400 members nationwide and 28,000 affiliate members in 50 states, including private criminal defense attorneys, public defenders, and law professors. The American Bar Association recognizes the NACDL as an affiliate organization and awards it full representation in the ABA's House of Delegates. NACDL was founded in 1958 to promote criminal-law research, to advance and disseminate knowledge in the area of criminal practice, and to encourage integrity, independence, and expertise among criminal-defense counsel. NACDL is particularly dedicated to advancing the proper, efficient, and just administration of justice, including issues involving the death penalty. In furtherance of this and other objectives, the NADCL files approximately 35 *amicus curiae* briefs each year, in this Court and others,

addressing a wide variety of criminal-justice issues.

**Robert F. Kennedy Memorial Center for Human Rights**

The Robert F. Kennedy Memorial Center for Human Rights (CHR) is a non-profit organization working to advance Robert F. Kennedy's vision of social justice by promoting the full spectrum of human rights throughout the world. The annual RFK Human Rights Award honors individuals who, at great risk, stand up to government oppression in the nonviolent pursuit of respect for human rights. The CHR develops and carries out projects, which enhance and complement the social change agendas of the laureates. Our work includes advocacy and legal projects with the US and foreign governments, international agencies and other human rights organizations. The CHR has promoted the respect and implementation of the legal norms related to human rights at a domestic and international level, including cases before the International Labor Organization, the Inter-American Commission on Human Rights, and the World Bank Inspection Panel, encouraging both the US and foreign governments to respect the human rights of their citizens and foreign nationals within their respective territories. These efforts will have little substance so long as the United States continues to ignore international law regarding the rights of foreign nationals in its territory.

**The Washington Office on Latin America**

The Washington Office on Latin America (WOLA) is a non-profit policy, research, and advocacy organization working to advance democracy, human rights, and social justice in Latin America and the Caribbean. Founded in 1974, WOLA plays a leading role in Washington policy debates about Latin America. WOLA facilitates dialogue between governmental and non-governmental actors, monitors the impact of policies and programs of governments and international organizations, and promotes alternatives through reporting, education, training, and advocacy. Additionally, WOLA has worked to develop greater respect for international legal norms and has appeared before various tribunals, including the Inter American Commission on

Human Rights, to encourage Latin American governments to respect the human rights of their citizens and foreign nationals within their respective territories. These efforts will no doubt be undermined so long as the United States government fails to respect international law regarding the rights foreign nationals in its territory.